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Letter dated 6 July 2005 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

The Governing Council of the United Nations Compensation Commission has concluded its fifty-sixth session, which was held in Geneva from 28 to 30 June 2005.

During the opening plenary meeting, representatives of Kuwait and Iraq addressed the Council. Their respective statements are being sent by mail with the original of the present letter.

During the session, the Council considered four reports and recommendations made by the panels of Commissioners concerning the late filed category A and C claims programme; the special instalment of bedoun claims; Palestinian category D individual claims; and the fifth instalment of F4 claims. The first two reports, by the D1 panel of Commissioners, are concerned with (a) the review of the remaining Pakistani late claims accepted for filing by the Governing Council at its fifty-first session, and (b) the claims of the bedoun, as well as nine additional deceased detainee claims and one claim filed pursuant to Governing Council decision 12. The Palestinian report is concerned with individual Palestinian category D claims for damages above 100,000 United States dollars ($); and the F4 report is concerned with the review of the fifth and final instalment of environmental claims. The attached tables (see annex I) provide details of the amounts of compensation claimed in the reports and the amounts awarded by the Governing Council. The total amount awarded in all of the reports approved in the fifty-sixth session was $366,772,383.83.

In addition to the above-mentioned reports the Council discussed the following issues and decided as follows:

(a) To take note of the report of the Executive Secretary: summary of activities, covering the period from 1 February to 30 April 2005, and the information note prepared by the secretariat containing an update on the report;

(b) To request the secretariat to write to the Controller of the United Nations conveying the Governing Council's concerns regarding the current shortfall in the Compensation Fund, to request that the Controller, as the custodian of the Compensation Fund, explore on a priority basis and in consultation with the Executive Secretary, the appropriate action that may be taken to recover the amounts

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owed to the Fund, and keep the Commission apprised of the status of funds being transferred to the Compensation Fund;

(c) To approve corrections to certain category A, D, E and F claims and to category C Palestinian late claims contained in the thirtieth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure;

(d) To request the secretariat to provide further information for the Working Group's consideration concerning a request made by the Government of Kuwait with respect to one deceased detainee claim by way of a letter dated 1 June 2005, prior to the September 2005 session;

(e) To request the secretariat to provide, for the Working Group's consideration prior to the September 2005 session, further information and proposals on appropriate action that may be taken with regard to the issue of duplication of awards on competing claims;

(f) That the Government of Iraq should be informed that the Council considers that its request concerning the compensability of interim environmental damages and the valuation of public health impacts, made by way of a note verbale and accompanying letter dated 16 August 2004 and at presentations by Iraq at the opening meetings of the fifty-third and fifty-fourth sessions, has been resolved in the report and recommendations made by the panel of Commissioners concerning the fifth instalment of F4 claims;

(g) That, following the meeting of F4 claimant Governments and the Government of Iraq to be held in Kuwait in September 2005, the secretariat be requested to provide an update concerning the potential for some public availability of the environmental monitoring and assessment databank maintained by the United Nations Environment Programme, which comprises information submitted by claimant Governments;

(h) That, following the meeting of F4 claimant Governments and the Government of Iraq to be held in Kuwait in September 2005, the secretariat also be requested to provide an update concerning the issue of the monitoring of the use of compensation awards;

(i) That further to the recommendations made by the F4 panel of Commissioners in its eighth report concerning the tracking of the progress of environmental monitoring and assessment projects compensated pursuant to Governing Council decision 132, to adopt the panel's recommendations set out in paragraphs 6, 8 and 12 to 14 of the report regarding, respectively, audit certificates concerning unfinished monitoring and assessment projects, the return of unused funds remaining after the completion of monitoring and assessment projects, and the continuation of certain ongoing studies into public health and natural resources damage; that, with respect to the panel's recommendation set out in paragraph 15 of the report concerning certain monitoring and assessment projects being conducted by the Government of Kuwait, that the secretariat inform Kuwait of the panel's recommendation and that the issue is under consideration by the Governing Council; and that the secretariat request an update on the status of the projects from Kuwait and provide further information concerning the issue for the Working Group's continued consideration;

(j) That, further to the recommendations made by the secretariat in information notes, dated 27 June 2005 and 3 May 2005, and in recommendation 3 of

the Office of Internal Oversight Services F4 audit report, dated 18 June 2005, to adopt the secretariat's recommendations concerning the return of unused funds remaining after the completion of its monitoring and assessment projects, and that ongoing monitoring and assessment projects be included in the substantive claims tracking mechanism;

(k) That the secretariat be requested to provide further updates on technical assistance provided to Iraq with respect to the F4 environmental claims after the receipt of any new invoices or after confirmation from the Government of Iraq that no further invoices are pending;

(l) To take note of the report of the Executive Secretary on the distribution of payments and transparency, and the return of undistributed funds, and to request the secretariat to continue to keep it informed of the reports of Governments and international organizations on the distribution of payments and the return of undistributed funds;

(m) That the secretariat should send a letter, as agreed upon by the Governing Council, to the Government of Bangladesh reiterating the Council's position that Governments should not deduct more than the 1.5 per cent fee for the payment of individual claims as stated in Governing Council decision 18, and that deductions in excess of 1.5 per cent from payments to the claimants should be corrected as a matter of urgency and reported to the Commission as soon as possible;

(n) That, unless the secretariat finds any outstanding issues in its review of additional information received from the Government of Egypt concerning its payment distribution reports, that issue has been resolved;

(o) That, with respect to the non-compliance by the Governments of Liberia, Senegal and the former Yugoslav Republic of Macedonia with the requirements of decisions 18 and 48, the secretariat should continue its consultations with the Governments and write to Liberia reiterating the Council's concern regarding this issue;

(p) That the date of 30 September 2006 be set as the definitive date for the location of and payment to unlocated claimants and that the secretariat write to affected claimant Governments informing them of the decision;

(q) That, with respect to the possible duplicate awards, the secretariat revise draft letters to affected Governments for the Council's further consideration, and provide status updates on the issue for the informal oversight committee's continued consideration;

(r) To refer the Office of Internal Oversight Services proposal to the Executive Secretary dated 10 June 2005, concerning the secretariat's request for a forensic accountant and the response of the Deputy Executive Secretary thereto, dated 15 June 2005, to the informal oversight committee;

(s) To refer the issue of the payment of an award in respect of a directly submitted claim, pending the receipt of further documentation from the claimant's counsel, to an informal meeting of the Working Group;

(t) To take note of the information provided concerning fees for processing costs deducted from payments, and to request the secretariat to continue to provide an annual update on the matter;

(u) To adopt decision 250 (S/AC.26/Dec.250 (2005)), which states that the Council, taking into account all relevant circumstances, in particular the imminent completion of the Commission's claims processing programme and the unavailability of adequate funds, will not give any further consideration to claims preparation costs;

(v) To take note of the reports of the Office of Internal Oversight Services concerning its audits of the fifth instalment of F4 claims, part two of the third instalment of F3 claims, the tenth instalment of E1 claims, part three of the nineteenth instalment of D1 claims, the Office of Internal Oversight Services advisory opinion on the review of selected D claims by the Commission and the secretariat's responses thereto;

(w) To take note also of the report of the Board of Auditors on the financial statements of the Commission for the biennium 2002-2003, the secretariat's response thereto, the draft report of the Board of Auditors on the implementation of the recommendations from the Board's review of the Commission's financial statements for the biennium 2002-2003, dated 15 June 2005, and the response of the Deputy Executive Secretary to that document, dated 16 June 2005;

(x) To refer the issue of post-2007 United Nations Compensation Commission activity to an informal meeting of the Working Group;

(y) To take note of the report of the Committee on Administrative Matters and its approval of the revisions to the 2004-2005 budget and the proposed budget of the Executive Secretary for the biennium 2006-2007 in the amount of $15,062,800;

(z) To request the secretariat to provide further information concerning an Iranian deceased detainee claim for the Working Group's consideration;

(aa) To request the secretariat to provide a briefing concerning the payment of one category E/F claim submitted by the United Kingdom of Great Britain and Northern Ireland at an informal meeting of the Working Group;

(bb) To hold its fifty-seventh session from 27 to 29 September 2005.

I take the present opportunity to add that the approval of the reports of the panels of Commissioners marks the completion of 12 years of claims processing at the Commission and brings to an end the work of the panels of Commissioners, as a whole. Since the appointment of the first panels in 1993, over 2.68 million claims, seeking approximately $354 billion in compensation, have been resolved by the various panels of Commissioners. Awards of approximately $52.5 billion have been approved in respect of approximately 1.5 million of those claims, representing roughly 14.8 per cent of the amount claimed. The resolution of such a significant number of claims with such a large asserted value over a period as short as twelve years has no precedent in the history of international claims resolution.

To date, approximately $19.2 billion has been made available to Governments and international organizations for distribution to successful claimants in all categories of claims. In addition, pursuant to Governing Council decision 227, up to $200 million will be made available for distribution to successful claimants in July 2005.

(*Signed*) Tassos **Kriekoukis**
President of the Governing Council

Annex I

Summary of recommendations

A. Report and recommendations of the D1 panel of Commissioners concerning the late filed category A and category C claims programme (S/AC.26/2005/7)

Table 1
Recommended awards for category A claims

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (United States dollars)*	*Amount of compensation recommended (United States dollars)*
Pakistan	139	22	458 500	393 500

Table 2
Recommended awards for category C claims

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (United States dollars)*	*Amount of compensation recommended (United States dollars)*
Pakistan	151	27	20 955 613.25	4 164 964.99

B. Report and recommendations of the D1 panel of Commissioners concerning the special instalment of bedoun claims (S/AC.26/2005/8)

Table 3
Recommended awards for the bedoun claims

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (United States dollars)*	*Amount of compensation recommended (United States dollars)*
Kuwait	31 715	153	79 670 00	79 287 500

Table 4
Recommended awards for the deceased detainee claims

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (United States dollars)[a]*	*Amount of compensation recommended (United States dollars)*
Kuwait (Iranian nationals)	1	—	310 458.48	506 931.96
Saudi Arabia	8	—	3 066 860.34	3 330 141.70
Total	**9**	—	**3 377 318.82**	**3 837 073.66**

Note: An em dash (—) indicates that the amount is nil.

[a] This amount relates in part to claims for mental pain and anguish, in respect of which the claimants were not required to specify a particular claimed amount.

Table 5
Recommended award for claim for death resulting from landmine explosion

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (United States dollars)[a]*	*Amount of compensation recommended (United States dollars)*
Kuwait	1	—	640 138.41	620 114.43

[a] This amount relates in part to claims for mental pain and anguish, in respect of which the claimants were not required to specify a particular claimed amount.

C. Report and recommendations made by the D2 panel of Commissioners concerning the Palestinian individual claims for damages above $100,000 (category D claims) (S/AC.26/2005/9)

Table 6
Recommended awards for category D Palestinian claims

Submitting entity	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (United States dollars)*	*Amount of compensation recommended (United States dollars)*
Palestine	296	106	836 915 789.40	25 872 466.70

Table 7
Recommended awards for category C Palestinian claims

Submitting entity	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Total amount of compensation claimed (United States dollars)*	*Total amount of compensation recommended (United States dollars)*
Palestine	14	3	2 922 847.74	568 296.05

D. Report and recommendations made by the panel of Commissioners concerning the fifth instalment of F4 claims (S/AC.26/2005/10)

Table 8
Recommended awards for the fifth instalment of F4 claims

Country	*Number of claims recommended for payment*	*Number of claims not recommended for payment*	*Amount of compensation claimed (United States dollars)*	*Amount of compensation recommended (United States dollars)*
Iran	4	1	11 090 762 249	27 780 752
Jordan	1	1	5 217 117 182	161 926 734
Kuwait	2	2	2 715 934 222	16 207 276
Saudi Arabia	1	3	28 742 311 029	46 113 706
Syrian Arab Republic	—	3	2 165 021 052	—
Turkey	—	1	5 417 263	—
Total	**8**	**11**	**49 936 562 997**	**252 028 468**

Note: An em dash (—) indicates that the amount is nil.

Annex II

Documents before the Governing Council at its fifty-sixth session

1. Second report and recommendations of the D1 panel of Commissioners concerning the late filed category A and category C claims programme (S/AC.26/2005/7);

2. Decision concerning the second instalment in the late-filed category A and category C claims programme (S/AC.26/Dec.245 (2005));

3. Report and recommendations of the D1 panel of Commissioners concerning the special instalment of bedoun claims (S/AC.26/2005/8);

4. Decision concerning the special instalment of bedoun claims (S/AC.26/Dec.246 (2005));

5. Report and recommendations made by the D2 panel of Commissioners concerning Palestinian individual claims for damages above $100,000 (category D claims) (S/AC.26/2005/9);

6. Decision concerning Palestinian individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.247 (2005));

7. Report and recommendations made by the panel of Commissioners concerning the fifth instalment of F4 claims (S/AC.26/2005/10);

8. Decision concerning the fifth instalment of F4 claims (S/AC.26/Dec.248 (2005));

9. Thirtieth report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/2005/11);

10. Decision concerning corrections pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.249 (2005));

11. Decision concerning claims preparation costs (S/AC.26/Dec.250 (2005)).